

REMARKS

Claims 1-2, 4-10, 12-15, 17, 18, 20, 29, 31 and 32 are pending in the application. Claims 1-2, 4-10, 12-15, 17, 18, 20, 29, 31 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent number 5,796,952 to Davis, et al. ("Davis") in view of U.S. patent number 6,358,557 to Bilder, in further view of U.S. patent number 6,606,657 to Zilberstein, et al. ("Zilberstein").

Independent Claim 1

Claim 1 stands rejected. Applicants respectfully assert that Davis, Bilder and Zilberstein, taken alone or in combination, fail to disclose all of the limitations of independent claim 1. Claim 1 recites:

A system for monitoring usage of an electronic device comprising:
a client component installed in a client device, said client component including **a client service configured to request a user associated monitoring profile from a profile database and a client monitoring agent created by the client service being operative to monitor usage of said client device in accordance with the monitoring profile for the user** and to generate corresponding usage data during usage of said client device; and
a server component including the profile database, the server component being installed on a server device in communication with said client device, for receiving said usage data from said client device during usage of said client device, the server component constructing an in-memory model of said usage of said client device while the usage continues, the server component further storing said usage data in a relational data store;
wherein said monitoring profile includes information specifying **which web browser and non web browser application programs which are not a part of the system for monitoring usage, and which features of said application programs, installed on said client device are to be monitored by said client component.**
(emphasis added).

At least the bolded features of claim 1 are neither shown nor suggested by Davis, Bilder or Zilberstein. First, Claim 1 is amended to clearly show that non web based applications may also be monitored in addition to web based ones (wherein said monitoring profile includes information specifying **which web browser and non web browser.** Contrary to the present claims, Davis and Zilberstein are limited to internet browser related

activity (see, for example, Davis Col. 8, lines 5-20; Zilberstein, Abstract). Although the present claims can be configured to monitor internet activity, other, non web browser related applications can also be configured.

Appellant is confused regarding the next several statements made in the office action. On page 3, of the office action, the office action asserts that Davis DOES disclose “client service configured to request a user associated monitoring profile from a profile database and a client monitoring agent created by the client service_ being operative to monitor usage of said client device in accordance with the monitoring profile for the user.” On page 4 of the office action it is stated that that Davis does not disclose this unique feature and looks to Bilder for the missing teaching. Neither the cited passages in Davis nor Bilder disclose this element of claim 1.

Contrary to the assertion in the office action, col. 15, lines 20-40 of Davis do not disclose at least the bolded text of “a client component installed in a client device, **said client component including a client service configured to request a user associated monitoring profile from a profile database**”. Col. 15, lines 20-40 merely discloses downloading ‘resources it needs in order to display images, play sounds, or control its overall look and behavior.’ In other words, Col. 15, lines 20-40 disclose the standard steps that are taken when a web page is downloaded. At most, col. 15 lines 20-40 discloses that ‘different images, sounds, text, etc.’ may be downloaded based on the client’s use of the same web site on previous occasions. There is nothing disclosed in the cited passage regarding “a client service configured to request a user associated monitoring profile from a profile database” for at least the reason that there is no monitoring profile. The monitoring profile described in the current claims determines which application programs installed on a particular client computer are to be monitored, and also specifies the usage data to be collected. (Specification, page 10, lines 12-14).

Third, since there is no monitoring profile disclosed in Davis, there is also no “client monitoring agent created by the client service being operative to monitor usage of said client device in accordance with the monitoring profile for the user.” Furthermore, the ‘tracking program’ in Davis is not created by the client service, it is downloaded from a

server. (Davis, col. 4, lines 39-40). Moreover, the cited passage states ‘based upon the diverse interests of respective users’ NOT ‘in accordance with the monitoring profile for **the user.**’ (emphasis added).

The cited passages in Bilder also do not disclose the element above. Col. 3, lines 4-57 in Bilder merely disclose a hardware device connected to a telephone line that monitors the calls coming in and out. The ‘profiles’ described in lines 45-57 are not the same type of profiles described in claim 1. The profiles in lines 45-57 of Bilder disclose the parameters for monitoring parameters such as the schedule and notification type (see also Bilder, Fig. 4). The profiles in Bilder are further described by ‘each profile...corresponds to a single monitoring and notification task.’ (Bilder, col. 3, lines 46-51).

Finally, col. 14, line 47-col.15 line 5 in Davis does not disclose ‘[which applications that] are not a part of the system for monitoring usage and which features of said application programs, installed on said client device are to be monitored by said client component.’ The cited reference in Davis merely discloses which advertisements or browser based applications will be downloaded to the user. ‘For instance, a user profile which indicates that a user has a greater interest in sports-related information than in historical information may be used to download sports-related resources, such as GIF-type images and advertisements.’ (Davis col. 14, lines 52-55). Downloading advertisements or web based sports-related information does not disclose or suggest the element above. Furthermore, there is nothing in the cited reference that discloses or suggests **which features** of the application programs that are **installed** on the client device are to be monitored. (Emphasis added). For example, advertisements on a web site are not installed applications, they are part of a web site. Although Davis may download an advertisement based on a user’s previous choices on a web site, it also doesn’t disclose which features of the advertisement will be monitored.

Thus, it is respectfully submitted that the rejection of claim 1 is overcome and should be withdrawn. Claims 2, 4-8, 29, and 31-32 are dependent from claim 1 and are allowable for the same reasons as claim 1. For the foregoing reasons, withdrawal of the rejection of dependent claims 2, 4-8, 29, and 31-32 is respectfully requested.

Independent Claims 9 and 14

The cited references fail to disclose all limitations of claim 9 and claim 14 for the same reasons stated for claim 1. Claims 10, 12, and 13 are dependent from claim 9 and are allowable for the same reasons as claim 9. Claims 15, 17, 18 and 20 all depend on claim 14 and are allowable for the same reasons as claim 14.

CONCLUSION

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



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